



DFW

PATENT APPLICATION  
Docket No: 15463.1.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Dennis L. Broderick et al. )  
Serial No.: 10/776,942 ) Art Unit  
Filed: February 11, 2004 ) 3617  
For: FLOATING PLAYGROUND )

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450, on the 17<sup>th</sup> day of May 2004.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 30 references (3 pages)
- Copy of PTO-1449 and PTO-892 from the parent application (4 pages)
- Postcard

Respectfully submitted,

DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913

DLT:dfw  
WA15463\1.3\DFW0000010299V001.DOC

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. VEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN \*  
R. BURNS ISRAELSEN  
DAVID R. TODD  
GREGORY M. TAYLOR  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †



# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM

PATENT APPLICATION  
Docket No: 15463.1.3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
)  
Dennis L. Broderick et al. )  
)  
Serial No.: 10/776,942 ) Art Unit  
) 3617  
Filed: February 11, 2004 )  
)  
For: FLOATING PLAYGROUND )

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
PO Box 1450  
Arlington, Virginia 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- X Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 30 references submitted for consideration.
- ☐ Copies of each of the references listed on the Form PTO-1449.
- ☐ English translations of ☐ ( ) of the references listed on the Form PTO-1449 which are not in the English language.
- ☒ Copies of the following documents from the prosecution of a previous, related application:
- ☒ Form PTO-1449; and
- ☒ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
- ☐ Promptness Certification; or
- ☐ Check No. \_\_\_\_\_ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ☐ Promptness Certificate;
- ☐ Petition for Consideration; and

\_\_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 17<sup>th</sup> day of May 2004.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913



PATENT APPLICATION  
Docket No: 15463.1.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Dennis L. Broderick et al.	)
		)
Serial No.:	10/776,942	) Art Unit
		) 3617
Filed:	February 11, 2004	)
		)
For:	FLOATING PLAYGROUND	)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
PO Box 1450  
Arlington, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

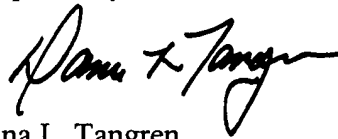
In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Statement of References Previously Disclosed  
Under 37 CFR § 1.98(d)

All of the references cited on the attached Form PTO-1449 were previously submitted to or by the Office in United States Patent Application Serial Number 10/452,397, filed June 2, 2003, entitled FLOATING PLAYGROUND, in the names of Dennis L. Broderick and LaVon F. Broderick, which is relied upon for an earlier filing date under 35 USC § 120. As such copies of the references cited on the PTO-1449 are not enclosed. Attached for the convenience of the Examiner is a copy of the Form PTO-1449 and Forms PTO-892 filed in the parent applications identified above.

Dated this 17<sup>th</sup> day of May 2004.

Respectfully submitted,



Dana L. Tangren  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913

Applicant: Dennis L. Broderick et al.

Confirmation No.:

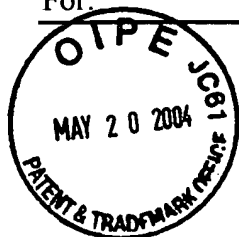
Serial No.: 10/776,942

Att'y Docket No.: 15463.1.3

Filing Date: February 11, 2004

Group: 3817

For: FLOATING PLAYGROUND

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
_____ 1	1,596,929	08/1926	Hussey
_____ 2	3,047,294	07/1962	Maxwell
_____ 3	3,694,837	10/03/1972	Von Norring
_____ 4	3,701,527	10/31/1972	Beeaton
_____ 5	3,763,808	10/1973	Smith, Sr.
_____ 6	3,789,446	02/05/1974	Rudelick
_____ 7	4,548,148	10/1985	Bloomfield, III
_____ 8	4,576,375	03/18/1986	Roberts
_____ 9	4,598,904	07/08/1986	Roth
_____ 10	4,602,587	07/29/1986	Lyons
_____ 11	4,644,892	02/24/1987	Fisher
_____ 12	4,974,538	12/1990	Meriwether
_____ 13	5,301,630	04/1994	Genovese et al.
_____ 14	5,385,518	01/31/1995	Turner
_____ 15	5,666,902	09/1997	White et al.
_____ 16	5,810,695	09/22/1998	Sass
_____ 17	5,823,132	10/20/1998	Donavon
_____ 18	5,911,542	06/15/1999	Obrock et al.
_____ 19	5,915,325	06/19/1999	Gerber et al.
_____ 20	5,941,660	08/24/1999	Rueckert
_____ 21	6,073,572	06/13/2000	Gruhn et al.
_____ 22	6,138,600	10/31/2000	Berquist

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Dennis L. Broderick et al.  
 Serial No.: 10/776,942  
 Filing Date: February 11, 2004  
 For: FLOATING PLAYGROUND

Confirmation No.:  
 Att'y Docket No.: 15463.1.3  
 Group: 3817

Examiner Initial*	Document Number	Issue Date	Name
_____ 23	6,179,525	01/30/2001	Gruhn et al.
_____ 24	6,223,673	05/01/2001	Mears et al.
_____ 25	6,230,644	05/15/2001	Passen et al.
_____ 26	6,322,454	11/2001	Gordon
_____ 27	2002/0185049	12/2002	Broderick et al.
_____ 28	2003/0029369	02/2003	Broderick et al.

#### Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office	Translation
_____ 29	0 786 270 A1	07/1997	EPO	N/A
_____ 30	2 702 965	09/1994	France	N/A

#### Other Documents

(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

Applicant: Dennis L. Broderick et al.  
Serial No.: 10/776,942  
Filing Date: February 11, 2004  
For: FLOATING PLAYGROUND

Sheet 3 of 3  
Confirmation No.:  
Att'y Docket No.: 15463.1.3  
Group: 3817

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

W:\15463\1.3\DFW0000010297V001.doc

Examiner:

Date Considered:

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Notice of References Cited**



Application/Control No.

10/452,397

Applicant(s)/Patent Under  
Reexamination  
BRODERICK ET AL.

Examiner

Sherman D. Basinger

Art Unit

3617

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-1,596,929	08-1926	Hussey	472/116
	B	US-3,047,294	07-1962	Maxwell	482/27
	C	US-5,810,695	09-1998	Sass, Randy J.	482/27
	D	US-5,823,132	10-1998	Donavon, Brooks L.	114/266
	E	US-6,223,673	05-2001	Mears et al.	114/264
	F	US-2002/0185049	12-2002	Broderick et al.	114/264
	G	US-2003/0029369	02-2003	Broderick et al.	114/264
	H	US-3,763,808	10-1973	Smith, Sr., Richard H.	114/266
	I	US-6,073,572	06-2000	Gruhn et al.	114/263
	J	US-6,322,454	11-2001	Gordon, Donald W.	472/134
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	EP 0 786 270 A1	07-1997	EPO	Vogel	---
	O	2 702 965	09-1994	France	Bousquet	===
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.